

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON**

**ARTHUR LEWIS,**

Plaintiff,

v.

**KLAMATH FALLS MSL LLC;  
MSL COMMUNITY MANAGEMENT  
LLC; MBK SENIOR LIVING LLC,**

Defendants.

No. 1:21-cv-01270-CL

**ORDER**

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AIKEN, District Judge.

Magistrate Judge Mark D. Clarke has filed a Findings and Recommendation (“F&R”), ECF No. 20, recommending that Defendants Motions to Dismiss and Compel Arbitration, ECF Nos. 11, 13, be denied. Under the Federal Magistrates Act, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). If a party files objections to a magistrate judge’s findings and recommendations, “the court shall

make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.*; Fed. R. Civ. P. 72(b)(3).

For those portions of a magistrate judge’s findings and recommendations to which neither party has objected, the Act does not prescribe any standard of review. *See Thomas v. Arn*, 474 U.S. 140, 152 (1985) (“There is no indication that Congress, in enacting [the Act], intended to require a district judge to review a magistrate’s report to which no objections are filed.”). Although no review is required in the absence of objections, the Magistrates Act “does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard.” *Id.* at 154. The Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that “[w]hen no timely objection is filed,” the court should review the recommendation for “clear error on the face of the record.”

In this case, Defendants have filed Objections to the F&R, ECF No. 22, and Plaintiff has filed a Response, ECF No. 24. The Court has reviewed the F&R, the Objections, Response, and the file of the case and finds no error.

The F&R, ECF No. 20, is therefore ADOPTED and Defendants’ Motions to Dismiss and to Compel Arbitration, ECF Nos. 11, 13, are DENIED.

It is so ORDERED and DATED this 18th day of August 2022.

/s/Ann Aiken  
ANN AIKEN  
United States District Judge